**U.S. Department of Justice**

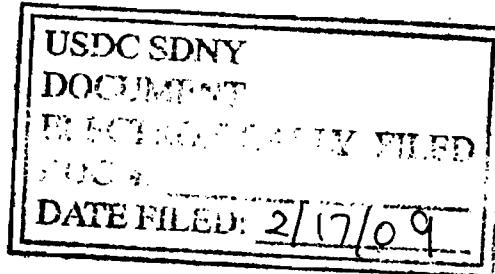
*United States Attorney
Southern District of New York*

*The Silvia J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 17, 2009

BY FACSIMILE

Hon. Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007



Re: *United States v. Jason Arzberger,*
08 Cr. 876 (AKH)

Dear Judge Hellerstein: 894

The Government seeks an extension of the time by which it must file its appeal of Magistrate Judge Francis's decision regarding the constitutionality of the bail requirements of the Adam Walsh Act. See 18 U.S.C. § 3145(a)(1) (providing that "an attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order [to release the defendant] or amendment of the conditions of release"). The current deadline is February 20, 2009, and this is our first request for an extension. As we are continuing to discuss this matter with the Solicitor General's Office, the Government seeks an extension until March 20, 2009. The defendant, through his counsel, consents to our request for an extension, on the condition that an equivalent extension is granted for the defendant's response, and consents to the additional exclusion of time under the Speedy Trial Act required by the extension.

FROM :

FAX NO. :

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Hon. Alvin K. Hellerstein
February 17, 2009
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If this extension is granted, and the parties are permitted the same amount of time to respond and reply as Your Honor granted at our January 30, 2009, pretrial conference, the defendant's response will be due April 10, 2009, the Government's reply will be due April 24, 2009, and oral argument will be scheduled for May 1, 2009, at 11:00 a.m.

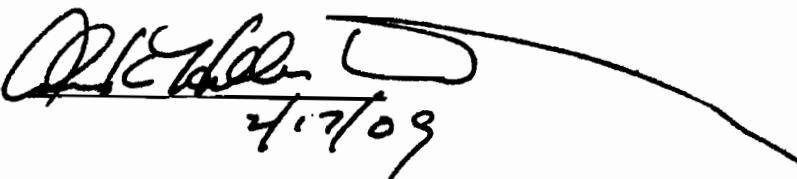
Respectfully submitted,

LEV L. DASSIN
Acting United States Attorney
Southern District of New York

By:


Amie N. Ely
Assistant United States Attorney
Tele.: (212) 637-2214
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SO ORDERED:


2/17/09

cc: Leonard Joy, Esq., and Darrell Fields, Esq. (By Facsimile)